

but I would beg of you to try and take this situation up under the new, the bill that we have offered to the floor, the Judiciary Committee, after many, many rounds and many hours of debate and spending a lot of time in the committee. We thought we brought to the floor a decent marijuana type penalty bill and I would hope that you would turn this amendment down for the same reason and take up another issue and take it up when the other issue comes up.

PRESIDENT: Senator Simon.

SENATOR SIMON: I have a question of Senator Barnett, if he would yield, since Senator DeCamp is not here. Senator Barnett, let's talk about the philosophy for a minute of the law. When there is a penalty that the judges deem to be extraordinarily harsh, what is the practical application of that penalty and of that law?

SENATOR BARNETT: What we have been able to find out is that if the penalty is too harsh what they do is one of two or three things. They, and Senator Luedtke can address the same thing and so could Senator DeCamp, what they do is they may sentence a person or they may fine a person and then what they will do is either suspend the sentence or put them on a probational program under these two systems or in any type of a penalty situation they can suspend or put them on probation with conditions of probation and sometimes and presently under our marijuana laws today, the one that we are talking about, somebody is picked up for a cigarette, they are fined \$25 and turned loose.

SENATOR SIMON: Let me ask the same question of Senator Luedtke. I didn't see that he was here. Senator Luedtke, I just wanted to ask you the same question dealing not only with this bill but in terms of the practical application of penalties when you have a penalty that is deemed by the courts to be rather extreme and severe, what is the general circumstance, what actually happens in terms of the sentencing?

SENATOR LUEDTKE: What happens in the sentencing is, as Senator Barnett had indicated, they will simply give probation which is exactly what is happening now and I think it is deceitful to tell people, it certainly ends up in being deceitful for people to think you are getting tough when you are having the same thing go on. I might just tell you, if I may add this, that the National Conference of State Legislatures Committee on Criminal Justice, which I am chairman of, discussed this very subject in Washington a couple of weeks ago and the national body voted to ask, voted on a debate calendar, voted with a voice vote only to ask the states of the United States to consider very seriously the severity of these laws for this very reason, that people are not enforcing the severity of the laws and it is making a mockery of law.

SENATOR SIMON: Thank you. This was exactly the point that I wanted to make that I think, Senator Venditte, what you are going to end up having happening instead of what you want to accomplish is that the laws, in fact, will be held up as being a mockery. In fact, the laws will not be enforced. Probation will become what generally happens